Secl. II-37—100,000—25-5-43.

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Development (195 46) Department

No. SERIES.

G.O. No. 1243

Dated SEVEN MARCH 1946

[Despatch Abstract.]

Labour - Industrial Statistics Act, 1942 - Census of Manufacturing Industries Rules, 1945 - Draft Amendments Published.

GOVERNMENT OF MADRAS

Abstract)

LABOUR - Industrial Statistics Act, 1942 - Census of Manufacturing Industries Rules, 1945 - Draft Amendments - Published.

Development Department

G.O.Ms.No.1243 Dated 12th March 1948
Read the following:--

From the Director of Industrial Statistics - S-SG(9)/46, dated the 28th February 1948.

ORDER

The following notification will be published in the Fort St. George Gazette

NOTIFICATION.

The following draft of certain amendments to the Census of Manufacturing Industries Rules, 1945, published in the extraordinary issue of Part I of the Fort St. George Gazette, dated the 29th December 1945, which is proposed to make in exercise of the powers conferred by section 12, sub-section (1) of the Industrial Statistics Act, 1942 (Central Act XIX of 1942), is hereby published as required by the said sub-section for the information of all persons likely to be affected thereby.

Notice is hereby given that the draft will be taken into consideration after a period of one month from the date of its publication. Any objection or suggestion which may be received from any person with respect thereto before the period aforesaid will be considered by the Government of Madras. Objections and suggestions should be addressed to the Secretary to Government, Development Department through the Commissioner of Labour, Madras.

Draft Amendments

In the said rules,

(1) in rule

(i) the following clause shall be inserted after clause (a), and the existing clauses (b) and (c) shall be renumbered as clauses (c) and (d) respectively:- "(b) 'company' means an incorporated company, wheresoever incorporated."

(ii) the following clause shall be inserted after the existing clause (c), and the existing clauses (d) (e), (f) and (g) shall be renumbered as clauses (f) and (g) ~~xxxxx~~ (h) and (i) respectively:- "(c) 'manufacturing process' means any process for

(i) making, altering, repairing, ornamenting, finishing or packing, or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal, or

(ii) pumping oil, water or sewage

(iii) generating, transforming or transmitting power"

(2) for rules, 3, 4 and 5 the following rules shall be substituted, namely:

"3 (1). The Statistics Authority shall before the end of December ~~xx~~ or, in the case of a factory engaged in the sugar industry before the end of June in each year serve on the occupier of each factory which is engaged in an

industry specified in Schedule I or which, having previously been so engaged, has temporarily suspended manufacturing processes, a notice requiring him to furnish to the Statistics Authority

(a) a return in duplicate in the form appropriate to the industry in which the factory is or has been engaged relating to the next following calendar year or, in the case of a factory engaged in the sugar industry, the next following annual period commencing with the 1st July and ending with the 30th June, and

(b) if the factory is owned by a company, two copies each of the annual balance-sheet and profit and loss account, and of the directors' report, if any, for the period to which the return relates if the company's accounting year coincides with this period, and otherwise for the last preceding year for which the accounts of the company were closed

and when any factory which was not in existence or was not engaged in any such industry in December or, in the case of sugar industry, in June, in any year, during the next following calendar year or, in the case of sugar industry, during the next following annual period as aforesaid, engages or is about to engage in any such industry, the Statistics Authority shall serve such notice on the occupier of such factory as soon as may be, and the provisions of this sub-rule shall apply as if the period to which the return related were the portion of the said calendar year or annual period, as the case may be, during which the factory is engaged in such industry.

(2) If the occupier of any factory on whom a notice has been served under sub-rule (1) (hereinafter called the first occupier), at any time during the period to which the return required to be furnished under such notice relates, ceases to be the occupier of the factory, and some other person (hereinafter called the second occupier) becomes the occupier thereof, the first occupier shall immediately on ceasing to be the occupier inform the Statistics Authority of the change of occupancy and the name and address of the second occupier, and the Statistics Authority shall as soon as may be serve on the second occupier a notice requiring him to furnish to the Statics Authority

a return in duplicate in the form appropriate to the industry in which the factory is engaged relating to that part of the said period during which the second occupier is the occupier of the factory, and

if after the change of occupancy the factory is owned by a company, two copies of each of the documents which may be required to be furnished under clause (b) of sub-rule (1).

(3) If the occupancy of a factory changes more than once during the period to which the return required to be furnished under a notice served on the occupier thereof under sub-rule (1) relates, the provisions of sub-rule (2) shall apply on each occasion as if the outgoing occupier were the first occupier and the incoming occupier were the second occupier.

4. (1)Any occupier of a factory on whom a notice has been served under rule 3 shall furnish the return and documents as required thereunder so as to reach the Statistics Authority not later than two months after the expiry of the period to which the return relates:

Provided....

Provided that any such occupier, who at any time during the period to which the return required to be furnished under the notice relates, ceases to be the occupier of the factory, shall furnish a return and documents as aforesaid relating to that part of the said period during which he has been the occupier of the factory so as to reach the Statistics Authority not later than two months after his ceasing to be the occupier;

Provided further that if any factory, on the occupier of which a notice has been served under rule 3, dismantled and otherwise ceases to be a factory at any time during the period to which the return required to be furnished under the notice relates, the occupier shall furnish a return and documents as aforesaid relating to that part of the said period during which the factory was in existence so as to reach the Statistics Authority not later than two months after the factory ceased to exist.

(2) If on representation being received from an occupier before the date on which a return is required to be furnished under this rule the Statistics Authority is satisfied that there is sufficient reason for so doing, the statistics authority may

(a) allow an extension of time for submission of the return upto one month beyond the said date;

(b) in the case of a factory owned by a company, allow copies of the balance-sheet, and Profit and Loss account and of the directors' report, if any, to be submitted separately from the return by such date as he may specify.

5. (1) The Statistics Authority shall forward with the notices referred to in sub-rules (1) and (2) of rule 3 three copies of the form in which the occupier on whom the notice is served is required to furnish a return. Two copies of the form shall be used for the purpose of submission of the return as required by rule 4, and on the third copy ~~xx~~ the occupier shall retain an exact copy of the return submitted by him.

(2) If the occupier of any factory receives with a notice served on him under rule 3 copies of a form which is not appropriate to the industry in which the factory is or has been engaged, he shall within seven days of the receipt of the said notice intimate to the Statistics Authority the industry in which in ~~xxx~~ his opinion the factory is engaged, the principal products of the factory and the anticipated approximate value of each such product during the period for which the return is required; and upon the receipt of such information, whether within time or not, the Statistics Authority shall determine the industry in which the factory is engaged and, if it is an industry specified in Schedule I, shall as soon as may be after the receipt of such ~~intimate-ser~~ intimation serve upon the occupier a notice requiring him to furnish a return and documents as provided for in rule 3 in relation to that industry, forwarding therewith three copies of the form appropriate to that industry, and the provisions of these rules shall apply and the occupier shall furnish a return as if the fresh notice were the original notice and had been received on the date on which the original notice was received.

(3) If any factory on the occupier of which a notice has been served under rule 3 at any time subsequent to such service becomes engaged in a different industry from that in which it was previously engaged, the occupier shall within seven days of the factory becoming ~~xxx~~ so engaged, intimate to the Statistics Authority the industry in which in his opinion

the....

the factory will thenceforth be engaged, the principal products of the factory and the anticipated approximate value of each such product during the entire period for which the return is required; and upon the receipt of such intimation, whether within time or not, the Statistics Authority shall, after making such further enquiries as he may consider necessary, determine the industry in which the factory is engaged and, if it is an industry specified in Schedule I, shall as soon as may be serve upon the occupier a notice requiring him to furnish a return and documents as provided for in rule 3 in relation to that industry, forwarding therewith three copies of the form appropriate to that industry, and the provisions of these rules shall apply and the occupier shall furnish a return as if the fresh notice were the original notice and had been received on the date on which the original notice was received."

(3) For sub-rule (1) of rule 6. the following sub-rule shall be substituted, namely

"6. (1) Any notice required to be served and any return required to be furnished under these rules shall be served or furnished, as the case may be, by transmission through the post under registered cover with acknowledgement due, and on the outside of any cover

(a) containing a notice, the Statistics Authority shall cause to be written prominently the words "Notice under the Census of Manufacturing Industries Rules, 1945,"

(b) containing a return or other documents required to be furnished by an occupier, the occupier shall cause to be written prominently the words "Confidential - Return under the Census of Manufacturing Industries Rules, 1945.

(4) In sub-rule (2) of rule 6, for the words brackets and figures "The notice referred to in sub-rules (1) and (2) of rule 3" the words "Any notice required to be served on the occupier of a factory under these rules" shall be substituted.

(5) In rule 7, for the words and figure "under rule 3" the words "to be furnished under these rules" shall be substituted.

True copy)

Office Assistant,
Madras Record Office.

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Government of Madras.
Development Department

Letter No.49960-P-IV/48-1

From

The Secretary to Government,
Development Department

To

The Director of Industrial Statistics,
S i m l a.

Dated Fort St. George the 18th May 1948.

Sir,

Amendments to the Census of Manufacturing Industries Rules, 1945 -
Your letter No.5-SG(Ø9)/46, dated 28-2-1948.

In continuation of my letter No.26953-P-IV/48-1, dated 5th April 1948, I am directed to state that no comments or suggestions on the draft amendments were received from the public and that this Government have also no comments to offer.

Your obedient servant
Sd/ ** **
Secretary to Govt.

(True copy)

Office Assistant
Madras Record Office.

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